

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RICHARD P. by and for	)	No. 03-390 Erie
RACHEL P. and DENISE L. by	)	
and for KRISTINA L.,	)	
	)	ELECTRONICALLY FILED
Plaintiffs,	)	
	)	
v.	)	<b>Jury Trial Demanded</b>
	)	
SCHOOL DISTRICT OF THE CITY	)	
OF ERIE, et al	)	
	)	
Defendants.	)	

**PLAINTIFF'S MOTION FOR A SECOND ENLARGEMENT OF TIME  
TO RESPOND TO DEFENDANTS' SUMMARY JUDGMENT MOTION**

1. Plaintiffs present their second motion to extend time to respond to summary judgment.

2. Defendants raised an issue in their summary judgment motion as to whether Plaintiffs should be foreclosed for asserting claims that have not yet been raised under the IDEA and Rehabilitation Act.

3. Plaintiffs has just secured the final version of their expert report, which is pertinent to that issue.

4. Plaintiffs require additional time to file a response to summary judgment motion, as Plaintiffs are reviewing the question of whether to present a motion to amend the complaint to include claims under the Rehabilitation Act and the IDEA.

5. Plaintiffs request an additional ten days to respond to Defendants' motion for partial summary judgment.

6. While there has been one previous extension granted, that was only for one week.

7. Defendants' counsel does not object to this extension.

Respectfully submitted,

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*Counsel for Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify that on September 8, 2005, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

James T. Marnen, Esquire  
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SENNETT, P.C.  
120 West Tenth Street  
Erie, PA 16501-1461

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s/ Edward A. Olds

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Edward A. Olds, Esquire